

## **Exhibit C**

**From:** Goroff, David B.  
**Sent:** Thursday, May 8, 2025 10:00 AM  
**To:** Roy Leaf; McGuffey, Nora J.  
**Cc:** Leslie C. Behaunek  
**Subject:** RE: MercyOne Production Bates Missing

Roy and Leslie, this confirms my voicemail to Roy of a moment ago. My understanding was that there was a glitch in the Bates Numbering software, and that the client fixed this and reloaded. The gap did not represent the withholding of any document.

Roy and I also discussed yesterday afternoon MercyOne's request for an extension until May 19 (although May 23 would be better) for it to complete its Rule 2004 production. I thought we had agreement on May 19, without conditions, from our last conferral. I had seen Leslie's request asking that MercyOne produce a "majority," of documents by May 12, but that was not what we discussed or agreed to in our conferral and we are not agreeable to that. As I noted yesterday, to even determine what a majority is would require knowing the total number ultimately being produced. Roy asked yesterday what guidance I can give him about the size of the production. I am able to confirm that we expect to produce approximately 1000-1500 more pages from hard copy files, we commit to making regular rolling production and we have no plan to "dump" documents on you on May 23 (or May 19). I will try to give you more sense of volume of email/ESI as we get closer. The same EMR conversion and other demands that require the extension, also make providing an estimate more difficult right now. Please confirm that you will agree to the extension. Otherwise, again, we will have no choice but to take the issue up with Judge Collins. Thank you.

--David

**David B. Goroff**  
*Partner*

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**From:** Roy Leaf <[rleaf@nyemaster.com](mailto:rleaf@nyemaster.com)>  
**Sent:** Wednesday, May 7, 2025 3:39 PM  
**To:** Goroff, David B. <[DGoroff@foley.com](mailto:DGoroff@foley.com)>; McGuffey, Nora J. <[nora.mcguffey@foley.com](mailto:nora.mcguffey@foley.com)>  
**Cc:** Leslie C. Behaunek <[lcbehaunek@nyemaster.com](mailto:lcbehaunek@nyemaster.com)>  
**Subject:** MercyOne Production Bates Missing

\*\*\* EXTERNAL EMAIL MESSAGE \*\*\*

David and Nora,

During the course of our review and intake of the documents MercyOne produced over the weekend, we noticed that there is a gap in Bates labels "Request No. 7 000070-000326." Can you please check with your client and see if there were some documents inadvertently not produced or otherwise explain the gap?

Thanks,



**ROY LEAF | NYEMASTER GOODE, P.C.**

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